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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,535

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EXAMINER

PANG, ROGER L

ART UNIT

PAPER NUMBER

3655

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

The following action is in response to the amendment filed for application 10/574,535 on April 5, 2010.

Claim Rejections - 35 USC § 103

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacqui '136 in view of Baker '279, in further view of Shirokoshi '432. With regard to claim 13, Jacqui teaches a power tool comprising: a housing 3 with a rotation motor (Col. 1), an output shaft 17, and a reduction gearing connecting the motor to the output shaft; wherein the reduction gearing comprises a plurality of planetary gearing stages having a common ring gear 6/7 (Col. 2, lines 30-34) supported in the housing, and each one of the planetary gearing stages includes a sun gear 15/12, a planet wheel carrier 17b/14, and a plurality of planet wheel units 16/13 engaging the ring gear and the sun gear. Jacqui lacks the teaching wherein each of the planet wheel units of at least one of the planetary gearing stages comprises two axially spaced spur gears fitted to a common spindle. Baker teaches a similar planetary gearing comprising a ring gear 30, and planet gears 24/25 supported by a carrier 37 (connected to the output 21), wherein: each planet wheel unit comprises two axially spaced spur gears 24/25 mounted on a common spindle 26a; one of the spur gears being rigidly secured to the common spindle and said spindle is rotatively journalled relative to the planet wheel carrier 37 via a bearing 27. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacqui to employ the dual spur gear planet gear and carrier/bearing arrangement in view of Baker in order to improve both the reliability by improving the work transmitted by the parts (Col. 1). Jacqui and Baker teach

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the tool, but lack the specific teaching of said bearing 27 being a needle bearing. Shirokoshi teaches a similar transmission, wherein a needle bearing 41a is employed. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Jacqui in view of Baker to employ a needle bearing in further view of Shirokoshi in order to reduce lateral space within the transmission. With regard to claim 14, Jacqui teaches the tool, wherein the planet wheel carrier 17b of said at least one of the planetary gearing stages is coupled to the output shaft 17. With regard to claims 15 and 16, Jacqui teaches the tool, wherein said sun gear 15 of said at least one of the planetary gear stages forms a part of a planet wheel carrier 14 of a preceding planetary gearing stage.

Response to Arguments

Applicant argues that Jacqui does not teach a power tool. Applicant has not claimed any structural limitations that would preclude Jacqui from being considered a "power tool." Jacqui teaches a powered tool that can be used for applications such as winding up blinds or driving doors. This teaches the required "power tool" limitation.

Applicant argues that the problem solved by the Baker planet gear arrangement is not the same as the present invention. The motivation for improvement does not necessarily have to be the same, as long as the motivation is justified. In this particular case, an improvement in reliability by distributing the work transmitted/absorbed by the parts is a legitimate motivation.

Applicant argues that the "massive ball bearings" of Baker would not be able to be replaced with needle bearings. It is known to one skilled in the art at the time of the invention to replace certain types of bearings with other types as a design choice.

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The reduction gearing, the dual spur planet arrangements and the bearings have been taught by the cited art. Applicant's arguments have been considered, but are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roger L Pang/
Primary Examiner, Art Unit 3655

Roger L Pang
Primary Examiner
Art Unit 3655

April 29, 2010